CITY OF LAGUNA HILLS, CALIFORNIA
CITY COUNCIL REGULAR MEETING
MINUTES
NOVEMBER 10, 2009

CALL TO ORDER

Mayor Lautenschleger called the Regular Meeting of the City Council of the City of Laguna Hills, California, to order at 7:00 p.m. in the Laguna Hills City Council Chamber, 24035 El Toro Road, Laguna Hills.

PLEDGE OF ALLEGIANCE

Mayor Pro Tempore Bressette led the Pledge of Allegiance.

ROLL CALL

Present: Joel Lautenschleger, Mayor
Randal Bressette, Mayor Pro Tempore
Melody Carruth, Council Member
R. Craig Scott, Council Member
L. Allan Songstad, Jr., Council Member

STAFF PRESENT: Bruce Channing, City Manager; Donald White, Assistant City Manager; Peggy Johns, City Clerk; Greg Simonian, City Attorney; Ken Rosenfield, Public Services Director/City Engineer; Steve Doan, Chief of Police Services; David Reynolds, Deputy City Manager; Ron Blaul, Battalion Chief, Orange County Fire Authority; Melissa Au-Yeung, Management Analyst; Dan Meehan, Community Services Superintendent; Ann Fox, Planning Consultant; and Sandi Mogan, Deputy City Clerk.

1. PRESENTATIONS AND PROCLAMATIONS

1.1 ORANGE COUNTY HUMAN RELATIONS COUNCIL ANNUAL REPORT (0130-60)

The City Council received an oral presentation from Ken Inouye, Commissioner, on the Orange County Human Relations Council.

2. PUBLIC COMMENTS

2.1 LAGUNA HILLS HIGH SCHOOL STUDENT LIAISON (0930-40)

The City Council received an oral report from Laguna Hills High School Student Liaison Lisa McCorkell.

3. MINUTES

3.1 REGULAR MEETING, OCTOBER 27, 2009 (0410-50)

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE THE MINUTES OF THE OCTOBER 27, 2009, REGULAR MEETING AS PRESENTED.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

4. CONSENT CALENDAR

Council Member Carruth removed Items 4.2 and 4.4 from the Warrant Register.

IT WAS MOVED BY COUNCIL MEMBER SCOTT, SECONDED BY COUNCIL MEMBER CARRUTH, THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE FOLLOWING ITEMS LISTED ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF ITEM NOS. 4.2 AND 4.4.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

4.1 MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS, SAID TITLES, WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED

WAIVED READING OF ORDINANCES AND RESOLUTIONS.

4.3 PROGRESS PAYMENT NO. 8 FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604 (0400-10)

Written report from the Public Works Department indicated that work on the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604, was being performed by Marina Landscape, Inc., and began on

October 13, 2008. The project was substantially completed and entered into the one-year maintenance period in May 2009. The contractor had submitted the eighth progress payment request for approval covering on-going maintenance services. The progress payment was within the Capital Improvement Program Budget for the Oso Parkway Landscape Projects, North Side CIP No. 603 / South Side CIP No. 604.

APPROVED PROGRESS PAYMENT NO. 8, IN THE NET AMOUNT OF $2,625.30, TO MARINA LANDSCAPE, INC., FOR OSO PARKWAY LANDSCAPE PROJECTS, NORTH SIDE CIP NO. 603 / SOUTH SIDE CIP NO. 604.

ITEMS REMOVED FROM THE CONSENT CALENDAR

4.2 APPROVAL OF WARRANT REGISTER FOR PERIOD ENDED NOVEMBER 10, 2009 (0300-30)

Council Member Carruth removed this item from the Consent Calendar to inquire about the payment to Robert Evans Murals in the amount of $7,500. She asked if the payment was based on a product received or on new information received on the Chamber murals. Her other question was pertaining to the payment to Richard Fisher Associates for the Moulton Pavement and Entry Monuments, CIP #307, and level of activity on this project.

Assistant City Manager White indicated the payment to Robert Evans was a progress payment for the Chamber murals. The City received regular updates on the progress of the murals, which were close to being completed, and staff was anticipating delivery in late December for all three murals.

Public Services Director Rosenfield indicated the fees for Richard Fisher Associates involved a variety of different City projects. Last year the City Council had authorized repairs to both the Alicia Parkway and La Paz Road entry monuments, which had been damaged as a result of traffic collisions, and the installation of a new monument on Moulton Parkway south of Lake Forest Drive. Mr. Rosenfield indicated that Mr. Fisher's office provided oversight on the work of the subcontractor, and gave an update on the status of these monuments. The vast majority of the expenditure for Fisher Associates was associated with the Oso Parkway project.

Written report from the Administrative Services Department indicated that, in accordance with Government Code Section 37202, the Assistant City Manager certified to the accuracy of the Warrant Register and to the availability of funds for payment thereof.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE THE WARRANT REGISTER IN THE AMOUNT OF $228,532.47

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES:	None
ABSENT:	None

4.4 PROGRESS PAYMENT NO. 3, FINAL, FOR CABOT ROAD PAVEMENT REHABILITATION PROJECT, CIP NO. 161 (0400-10)

Council Member Carruth removed this item from the Consent Calendar to ask for an explanation of the change order items which she believed should have been on the original bid.

Public Services Director Rosenfield indicated Item No. 7 on the change order was an accounting of final quantities. Since federal funds were involved on this project, the City was required to process changes through a change order; it had no material effect on the final payment to the contractor. Mr. Rosenfield explained the need for Items 1-6 on the change order in detail.

Written report from the Public Works Department indicated that in accordance with City Council authorization, All American Asphalt, Inc., began work on the Cabot Road Pavement Rehabilitation Project, CIP No. 161, on July 7, 2008. The work was substantially completed in July 2009, and the contractor, All American Asphalt, Inc., had submitted the third payment request including Contract Change Order No. 1 for extra work. Approval was recommended along with the filing of the Notice of Completion. The progress payment was within the Capital Improvement Program Budget for the Cabot Road Pavement Rehabilitation Project, CIP No. 161.

IT WAS MOVED BY COUNCIL MEMBER CARRUTH, SECONDED BY MAYOR PRO TEMPORE BRESSETTE, TO APPROVE PROGRESS PAYMENT NO. 3, FINAL, IN THE NET AMOUNT OF $23,396.35, AND CONTRACT CHANGE ORDER NO. 1, TO ALL AMERICAN ASPHALT, INC., FOR CABOT ROAD PAVEMENT REHABILITATION PROJECT, CIP NO. 161, AND AUTHORIZED THE FILING OF THE NOTICE OF COMPLETION AND RELEASE OF RETENTION 35 DAYS POST RECORDATION, IF NO LIENS HAD BEEN FILED.

The motion carried by the following vote:

AYES: Council Members Carruth, Scott, Songstad, Mayor Pro Tempore Bressette, and Mayor Lautenschleger
NOES: None
ABSENT: None

PLANNING AGENCY

Mayor Lautenschleger recessed the City Council meeting to the Planning Agency meeting at 7:16 p.m. and reconvened the City Council at 8:21 p.m. All Council Members were present.

6. ADMINISTRATIVE REPORTS

6.1 City Manager

A. ORANGE COUNTY FIRE AUTHORITY CHARITABLE EVENTS (0150-20)

City Manager Channing reported that the Orange County Fire Authority would be participating in two activities over the course of the next two months. The first activity, conducted in cooperation with KTLA Channel 5, sponsoring a one-day food drive on November 24, 2009. This food drive would benefit both the Second Harvest Food Bank and Share Our Selves in Orange County. These organizations served hundreds of thousands of Orange County residents. Last year the City of Los Angeles Fire Department and County Fire Department gathered nearly 80,000 pounds of food that was redistributed to people in need. It was the hope with Orange County being included this year that a similar positive result would be realized. Area Fire Stations 22, 19, 49, and 57 would be designated as drop-off locations.

The other activity was the "Spark of Love" Toy Drive which would kick off November 21, 2009, and would run through December 24, 2009. The local fire stations would be available for delivering unwrapped toys and sports equipment which would be redistributed to underprivileged children throughout Southern California. City Manager Channing encouraged everyone to participate in these events.

6.2 Deputy City Manager/Community Services

A. COMMUNITY SERVICES RECREATION PROGRAM RATE STUDY (0410-80)

Community Services Superintendent Meehan gave a PowerPoint presentation and indicated the 2009/10 - 2010/11 Biennial Budget included a major plan to conduct cost recovery for room rentals, recreation field usage, recreation class/activities, and propose new rates if necessary. Mr. Meehan indicated staff conducted a study and compared what other municipalities were charging for their recreation classes and activities. Staff found that the City of Laguna Hills was charging less than the average charged by other cities in almost all cases. Based on the finding of the study, staff proposed three recommendations: (1) increase the rate by $10 charged for staff-led recreation classes/activities; (2) raise the non-resident fee to $5 for staff-led classes; and (3) raise the non-resident fee to $10 for contract instructor-led classes. Mr. Meehan indicated that staff presented the study to the Parks and Recreation Commission at the October 14, 2009, meeting and the Commission approved the recommendations.

IT WAS MOVED BY COUNCIL MEMBER SONGSTAD, SECONDED BY COUNCIL MEMBER CARRUTH, TO APPROVE INCREASING THE RATES CHARGED FOR RECREATION PROGRAMS AS OUTLINED IN THE STAFF REPORT.

The motion carried by the following vote:

AYES:	Council Members Carruth, Scott, Songstad, and Mayor Lautenschleger
NOES:	Mayor Pro Tempore Bressette
ABSENT:	None

7. OTHER BUSINESS

There was no Other Business.

8. MATTERS PRESENTED BY MAYOR AND COUNCIL MEMBERS

8.1 Mayor Lautenschleger

A. CITY COUNCIL MEETINGS WEB STREAMING (0410-05)

Mayor Lautenschleger indicated that he had brought up this issue during the budget sessions this past year, and would like to direct staff to bring back a staff report on instituting a computer accessible method for recording and reviewing the City Council meetings for consideration, if there was consensus by the City Council. Mayor Lautenschleger indicated he was not a promoter of live television, but his reasons for bringing this item back was that there was so much misinformation in the community. Much of this misinformation had to do with bias blogging, word of mouth, etc., as to what the City Council was doing at its meetings. If there was a viewable, accurate record of City Council meetings available for analysis by anyone, this would put a stop to the rumors and false statement of others. Newspaper reporting is often just blogs filled with inaccurate sensationalizing and that they present only one side of the story. Mayor Lautenschleger believed that staff did an incredible job of preparing reports and the minutes were well prepared and presented before the next City Council meeting available on the City's website, as were the Agendas. Mayor Lautenschleger was also proud of how the City Council gave serious consideration to all of the actions it took. Web streaming would allow more people to understand how the City Council arrived at its decisions; Mayor Lautenschleger believed it was a good public policy measure.

IT WAS THE CONSENSUS OF THE MAJORITY OF THE CITY COUNCIL TO DIRECT STAFF TO RETURN WITH A REPORT ON THIS ISSUE.

8.2 Council Member Carruth

A. RESOLUTION SUPPORTING ORANGE COUNTY FAIRGROUNDS (0150-30)

Council Member Carruth indicated that the State's decision to sell the Orange County Fairgrounds had created a heated debate, and she had been asked to circulate a draft resolution that supported Costa Mesa's efforts. She believed the City Council might be interested in weighing in on this issue, and to support any city's right to determine land use within their own boundaries. Council Member Carruth urged the City Council to support Costa Mesa's right to determine the future use of the Orange County Fairgrounds. City Manager Channing indicated that if any City Council Member was interested in agendizing this topic, they could do so.

8.3 Council Member Songstad

A. INITIATIVE MEASURE FILED BY LEAGUE OF CALIFORNIA CITIES (0140-10)

Council Member Songstad indicated there was an Initiative Measure filed by the League of California Cities that was now being reviewed for a ballot title and summary along with a proposed Resolution that was being circulated. Council Member Songstad requested that this item be agendized.

IT WAS THE CONSENSUS OF THE CITY COUNCIL TO DIRECT STAFF TO RETURN WITH A REPORT AT A FUTURE AGENDA.

8.4 Mayor Pro Tempore Bressette

A. PRESENTATION TO EAGLE SCOUT, PARKER MCPHERSON

Mayor Pro Tempore Bressette reported that he and Council Member Carruth had the pleasure of making a presentation this past week to Laguna Hills resident and new Eagle Scout, Parker McPherson.

9. CLOSED SESSION

Mayor Lautenschleger recessed the meeting into Closed Session at 8:55 p.m.

9.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957(b)(1)
Public Employee Title: City Manager

Mayor Lautenschleger reconvened the meeting at 10:13 p.m. All Council Members were present.

ADJOURNMENT

There being no further business before the City Council at this session, Mayor Lautenschieger declared the meeting adjourned at 10:15 p.m.

Peggy J. Johns

PEGGY J. JOHNS, CITY CLERK

ATTEST:

Joel Lautenschleger

JOEL LAUTENSCHLEGER, MAYOR

APPROVED AT MEETING OF NOVEMBER 24, 2009.